IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15011 of 2005

Between:

Smt.K.Suguna W/o.Late Sri K.Shankar,
R/o.H.NO.6-1-30, Ranisati raod, Adilabad.

..... PETITIONER

AND

1 The District Collector, Adilabad District, Adilabad.
2 The Revenue Divisional officer, Adilabad district, Adilabad.
3 The Deputy Executive Engineer, A.P.Housing Board, Nizamabad Division, Nizamabad.
4 The Assistant Executive Engineer, A.P.Housing Board, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of writ of Mandamus declaring the impugned action of the respondents in interfering with the peaceful possession and enjoyment over the private patta land belonging to the petitioner to an extent of Ac.6-00 in survey No.72/20/2 situated at Battisavargam village, Adilabad Mandal, Adilabad District without initiating land acquisition proceedings is bad, illegal, without jurisdiction and in utter violation of principles of natural justice and to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.H.VENUGOPAL

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORAL ORDER

The petitioner filed the present writ petition seeking to declare the action of the respondents in interfering with the peaceful possession and enjoyment over the private patta land belonging to the petitioner to an extent of Ac.6.00 in Sy.No.72/20/2 situated at Battisavargam village, Adilabad Mandal, Adilabad District without initiating land acquisition proceedings, as illegal and arbitrary.

The grievance of the petitioner in this writ petition is that originally the husband of the petitioner purchased the agricultural land to an extent of Ac.6.00 in Sy.No.72/20/2 situated at Battisavargam village, Adilabad Mandal, Adilabad District in the year 1971. Later the husband of the petitioner died and since then she has been in possession and enjoyment of the suit schedule land. While the matter stood thus, the 3rd and 4th respondents started surveying and cleaning the lands belonging to the petitioner stating that the said lands were allotted to them by the 1st and 2nd respondents for the purpose of construction of residential houses. Aggrieved the petitioner filed a suit for perpetual injunction against the respondent Nos.3 and 4 not to interfere with her peaceful possession and enjoyment over the land but no injunction was granted by the Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is evident from the material placed on record that the petitioner had already filed a civil suit against the respondent Nos.3 and 4 for perpetual injunction but she has failed to obtain interim injunction against the said respondents. Again she filed the present writ petition against the same respondents for the same relief. As it is well settled principle of law that the petitioner cannot maintain two parallel proceedings against same parties. Hence, this Court does not find any reasons to allow the writ petition. Accordingly, the writ petition is liable to be dismissed.

Hence, the writ petition is dismissed at the stage of admission. In the circumstances, there shall be no order as to costs.

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ELIPE DHARMA RAO,J

12TH JULY 2005

*TSNR

To

1 The District Collector, Adilabad District, Adilabad.
2 The Revenue Divisional officer, Adilabad district, Adilabad.
3 The Deputy Executive Engineer, A.P.Housing Board, Nizamabad Division, Nizamabad.
4 The Assistant Executive Engineer, A.P.Housing Board, Adilabad.

5. Two CCS to G.P for Revenue, High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.